

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

MICHAEL S. MICHALSKI v. THOMAS POOLE

HONORABLE JAMES K. SINGLETON, JR.

DATE: September 16, 2008

CASE NO. 9:07-cv-00611-JKS

PROCEEDINGS: **MINUTE ORDER FROM CHAMBERS**  
**Re: Motions at Docket Nos. 40 and 44**

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At Docket No. 40 Petitioner has moved for the recusal of Magistrate Judge George H. Lowe and transfer of this case to the Southern District of New York under 28 U.S.C. § 1404(a). At Docket No. 44 Petitioner has moved for a stay of a ruling on Petitioner's motion at Docket No. 37 to reconsider the order striking his 71-page Memorandum of Law in reply to Respondent's answer. Subsequent events have rendered these motions mostly moot.

On September 8, 2008, this case was reassigned to this Court and Magistrate Judge George H. Lowe is no longer assigned to the case. Dkt No. 43. To the extent that Petitioner has requested a change of venue to the Southern District of New York, he has not shown that transfer is required for the convenience of the parties or witnesses. 28 U.S.C. § 1404(a).

On September 5, 2008, reconsideration was granted and Petitioner's 71-page Memorandum of Law ordered filed. Dkt Nos. 41 and 42.

For the foregoing reasons,

IT IS ORDERED THAT:

1. The request for recusal and transfer of the case to the Southern District of New York at Docket No. 40 is DENIED.
2. The request for a stay of consideration at Docket No. 44 is DENIED, as moot.